

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09-cv-125-RJC-DSC
CONSOLIDATED**

GMAC MORTGAGE, LLC,

Plaintiff,

vs.

**FLICK MORTGAGE INVESTORS,
INC.,**

Defendant.

**FLICK MORTGAGE INVESTORS,
INC.,**

Plaintiff,

vs.

**CHICAGO TITLE INSURANCE
COMPANY,**

Defendant.

ORDER

THIS MATTER is before the Court on GMAC Mortgage, LLC’s (“GMAC”) Notice of Affidavit Filing and Request for Entry of Final Judgment under Rule 54(b), (Doc. No. 84) (“Affidavit and Request for Judgment”), and its accompanying affidavit of Stephen Maxwell, a Senior Litigation Analyst with GMAC, (Doc. No. 84-1).



GMAC filed the Affidavit and Request for Judgment in response to the Court’s March 31 Order, (Doc. No. 80), entering judgment for GMAC. The Order entitled GMAC to a default judgment against Flick Mortgage Investors, Inc. (“Flick”) for principal damages of at least

\$535,005.61, (Doc. No. 80 at 11). The damages were determined by GMAC's June 2010 Motion for Entry of Final Judgment, (Doc. No. 28) ("Motion").¹ However, because GMAC's Motion was filed nearly two years ago, the Court sought clarification² of GMAC's damages through March 31, 2012, (Doc. No. 80 at 12).

GMAC timely filed the Affidavit and Request for Judgment on April 30, 2012, (Doc. No. 84). The Affidavit and Request for Judgment specified that through March 31, 2012, GMAC's breach of contract damages totaled \$595,113.05, which included \$418,968.97 in principal due on the mortgage, \$144,161.93 in accrued interest, \$24,310.00 in escrow/impound funds due on the mortgage, \$7,093.40 in late charges and \$578.75 in other costs and fees, (Doc. No. 84-1 at 2).

IT IS, THEREFORE, ORDERED that GMAC is entitled to a default judgment of \$595,113.05 in damages, plus \$31,532.81 in attorneys' fees, totaling **\$626,645.86**.

Signed: May 18, 2012


Robert J. Conrad, Jr.
Chief United States District Judge 

¹ Specifically, GMAC's breach of contract damages through June 2010, totaled \$535,005.61, which included \$418,968.97 in principal due on the mortgage, \$92,757.79 in accrued interest, \$18,200.00 in escrow/impound funds, late charges of \$4,525.10, and \$533.75 in other costs and fees. See (Doc. Nos. 28 at 2-3; 28-1 at 4). In addition, the Court's Order found GMAC was entitled to attorneys' fees totaling \$31,532.81, (Doc. No. 80 at 12).

² The Court ordered GMAC to file an affidavit within thirty (30) days of the Court's March 31 Order, (Doc. No. 80 at 12).